

TOWN OF TRURO
BOARD OF SELECTMEN
MEETING OF TUESDAY, OCTOBER 3, 2006

The Truro Board of Selectmen met for their weekly session on Tuesday, October 3, 2006 at 6:00 p.m. at the Truro Town Hall, 24 Town Hall Road, Truro. In attendance were: Chairman Alfred Gaechter, Vice-Chairman Gary Palmer, Clerk Christopher R. Lucy, Curtis Hartman, Jan Worthington, Town Administrator Pamela Nolan, Administrative Secretary Julie DuPree, Assistant Town Administrator Charleen Greenhalgh, Martha Nagy, Paul Morris, Pat Pajaron, Jeanne Foulke, Pat Wheeler, Ronnie Farrell, Lucinda Worthington, Linda Noons Rose, Cindy Slade, Linda Maloney, Bill Phillips, Attny. Jay Murphy, Jennifer Doyle, Mike Iaquessa of the Banner, and Steve Desroche of the Cape Codder.

Mr. Gaechter convened the meeting at 6:00 p.m.

Minutes: Mr. Palmer moved to approve the minutes of the regular and Executive Sessions of September 26, 2006, as presented, and to hold the Executive Session minutes in abeyance. Mr. Hartman seconded it. Vote: 5-0, unanimous.

Public Comment: None.

Flex to Work, Mass Rides Program: Ms. Doyle of the Mass Rides Program said they wanted to get the word out about getting employees to use the Flex bus to go to work especially in the off-season. The Mass Rides Program is a free program that promotes these types of travel options. They would like the BOS to partner with the Mass Rides Program and help promote the Flex bus. Ms. Nolan said that there is no obligation on the town's part. She will get more information for the BOS on what specific things they could do as a partner. Mr. Gaechter said that they really need to promote the Flex, and sees no down side to this.

Discussion of Town owned property on Quail Ridge Road: Attorney Murphy explained that this property was a tax taking, and a portion of it (M43 P3) was actually an interest of John F. Noons. In searching the deeds it was found that a half interest existed. A survey plan was drawn and release deeds found. The Assessor's office has calculated what the tax would have been on this property. He requested that the BOS file the necessary paperwork to release this taking. The owners will pay the necessary tax bills. Ms. Foulke told the BOS that the owners of this property have no right of way onto Quail Ridge Road. It is a 2.37 acre parcel. Quail Ridge Road is a private road, so she does not see how they are going to get out. Just recently the Association had to do costly repairs to the road; they will not allow anymore houses to access the road. Mr. Palmer told her that they are just discussing who owns the land. Mr. Gaechter agreed that was all that was being discussed this evening; access will have to be negotiated. Ms. Wheeler said they were concerned that this lot was being identified as abutting Quail Ridge Road; it does not. Mr. Gaechter agreed that it does not. Attorney Murphy said that they are not alleging access on Quail Ridge Road at this time; it abuts Short Lots Lane. **Mr. Gaechter moved to agree in principal to the ownership of this property and request that town staff investigate the method and way to proceed with vacating the foreclosure decree and motion to vacate. Mr. Palmer seconded it. Vote: 5-0, unanimous.**

STM Eminent Domain Takings: Ms. Slade explained that at the October 26, 2004 STM two

articles were approved regarding eminent domain takings. The town had already taken three of the four parcels in question, and wanted to assure clear titles on those three parcels. The other parcel was not owned by the town. These two articles were passed. If the BOS is not going to proceed with the acquisition by eminent domain, there are currently outstanding taxes on this parcel and she could proceed with a tax taking. She asked the BOS for direction. **Mr. Gaechter moved to request the Town Clerk to proceed with eminent domain proceedings. Mr. Palmer seconded it.** Under discussion, Ms. Slade explained that it was not for her to do; the BOS must proceed. **Mr. Gaechter amended his motion to direct the Town Administrator to work with Town Counsel on eminent domain proceedings for all four properties referred to in the STM articles. Mr. Palmer seconded it. Vote: 5-0, unanimous.**

Waive fees for Truro Central School: Ms. Nolan reported that the TCS has asked to have the building and electrical permit fees for installation of the photovoltaic system waived. **Mr. Gaechter so moved. Mr. Hartman seconded it. Vote: 5-0, unanimous.**

Bells: Mr. Gaechter said they had received a letter from DEP recommending that they run ambient sound and noise levels tests in the night time if they plan to run the bells at night. Mr. Hartman added that the letter also thanks the town for its efforts and says that the town is following the law, something he is sure the town will always do. Ms. Pajaron noted that our compliance is marginal. She said the standard states that tests should be done during the time of an offending noise, and this is what the DEP is suggesting that we do. There may be a 2-4 decibel difference in night time ambient noise, and we are already marginal. Mr. Gaechter said he agrees with the DEP's position that night time testing should be done. He also feels that a better definition of ambient noise is needed from the DEP. He has crafted a letter asking for a meeting with the DEP regarding the ramification of ambient noise, and asking them to do the readings of ambient noise, especially since there have been an allegations that our readings were not accurate. He read them the letter. Mr. Hartman said it was an excellent letter and should end this dispute. **Mr. Gaechter moved to authorize sending the letter to the DEP over his signature. Mr. Hartman seconded it. Vote: 5-0, unanimous.** Mr. Phillips congratulated the BOS on the position they had taken and just wished it had happened sooner.

Intermunicipal Transfer Station Agreement: Mr. Morris gave the Board an overview of the need for this agreement. Provincetown has requested to use our transfer station for 11 weeks while they work on theirs. Ms. Nolan told the Board that they have been back and forth between their town manager and town counsel, and herself and our town counsel. Provincetown will pay all the tipping fees for both communities and provide a driver and laborer. Provincetown residents can bring their garbage here. They embarked on this agreement because if we ever have a need, we want help from them as good neighbors. The tipping fees payment has been cleared with SEMASS. She outlined the method that will be used. Mr. Morris said he has spoken to the Union and they are all right with this. Ms. Worthington asked if our workers would need to be paid overtime. Mr. Morris said no. He added that he has spoken to SEMASS and there will be no problem with over-tonnage or under-tonnage. **Mr. Palmer moved to**

approve the Intermunicipal Agreement. Mr. Hartman seconded it. Vote: 5-0, unanimous.

Endowments: Ms. Nolan reported that the BOS can accept a gift from a person for a specific reason. In the case of the request from Mr. Eisenberg to endow a bench in memory of his mother, we are not talking about much money. Mr. Morris estimated it cost \$150.00 to build the bench at Pamet Park. Mr. Gaechter suggested putting a third bench there, charging for the cost of building that bench and for the maintenance of it and the plaque. Mr. Hartman thought they may need a policy. Mr. Morris thought there should be a policy because he has gotten requests in the past. **Mr. Gaechter moved to authorize the formation of an endowment for this purpose and proceed with that. Mr. Palmer seconded it. Vote: 5-0, unanimous. Mr. Gaechter moved to have the Town Administrator draft a policy on town gifts. Mr. Hartman seconded it. Vote: 5-0, unanimous.**

Surplus Equipment: Ms. Nolan told the Board there were three pieces of equipment she would like them to declare as surplus property: 1969 Chevy C-60 Fire Pumper Truck, 1999 Crown Victoria, and a 1988 Freight Liner Tractor. Mr. Morris told them that he would like to turn the 1988 tractor over to the County Dredge. This can be done if the value is under \$5k. **Mr. Gaechter moved to declare the three items as surplus property: the first two items to go out to bid and the third to be turned over to the County. Mr. Lucy seconded it. Vote: 5-0, unanimous.**

Munis Support Agreement: Mr. Palmer moved to approve the agreement and authorize the Chair to sign it. Mr. Lucy seconded it. Vote: 5-0, unanimous.

Goals/Objectives: Mr. Hartman submitted a change in language to his suggested addition to their goals. The Board all agreed it was a good change. **Mr. Palmer moved to adopt. Mr. Lucy seconded it. Vote: 5-0, unanimous.**

Town Administrator's Report: (action items)

- Reported an agreement has been reached on the Harbor mooring issue. Mr. Gaechter directed that she send along the Board's gratitude to the Harbor Master for his handling this issue so well.
- Received notice from the School Committee that they are not interested in pursuing the flu mist. The Board decided to table this for now and revisit it in the spring.
- Chief Thomas has provided instruction for taking the NIMS courses online. Mr. Gaechter asked that she remind the BOS on December 1st for those who have not done it yet; the deadline is January 1st.
- Will provide at the Town Hall information for veterans regarding the recent legislation that expands eligibility for and the amount of tax exemptions. Mr. Gaechter requested that the COA also be provided with copies. Mr. Hartman asked that the Commission on Disabilities also get the information.
- The Tax Classification Hearing is scheduled for October 17, 2006.

Selectmen/Liaison Reports: (action items)

Palmer: - Attended a meeting at which there was discussion about a joint grant for estuary projects. The East Harbor project may be brought into it. He provided Ms. Nolan with the information.

Gaechter: -Asked if the budget letter had been sent to Committees yet. Ms. Nolan said that the Town Accountant had asked for more time; she is working on the tax rate. It will still be done on time.

- He would like to move ahead on the bench to honor Lloyd Rose. They should order two at once, and have a ceremony before the weather is too cold. He felt the plaque itself should be kept simple: "This bench is in honor of Lloyd Rose for his many years of service to the people of Truro". More can be put in the proclamation Ms. Worthington and Mr. Palmer are writing.

- Reported on the ConsCom meeting. They denied two applications for cottage colonies on Beach Point which will be appealed to DEP. They also reorganized. Ms. McCutcheon is the Chair. Mr. Downey will stay on as a member. The ConsCom intend to propose that the Planning Board and the Board of Health meet jointly with them to discuss Beach Point and continued development. Mr. Palmer asked if the BOS should be included. Discussion followed. Mr. Gaechter said he would encourage the ConsCom to include the BOS in these discussions.

Lucy: -Discussed the letter of commendation which was written to police officers involved in a recent arrest. He thought perhaps it would be better to put that off until it had gone through court. Ms. Worthington did not see why, but would go along with it. She feels the Selectmen need to do more commending of the police, fire and rescue, or other people whose work comes before them.

- Responded to a letter from a citizen regarding a recent BOS meeting; he provided the BOS with a copy. Ms. Worthington said she agreed with the letter writer somewhat; the invited speaker was put on the spot and the Selectmen were not as helpful and welcoming as they could have been. Discussion ensued. Mr. Gaechter told for her that the Board has a letter writing policy; anyone of them can write individual letters and supply the other members with a copy.

Next week's agenda: CPC, Committee vacancy interviews, STM articles.

At 7:25 p.m. Mr. Gaechter moved to convene in Executive Session under the provisions of MGL Chapter 39, Section 23B to consider negotiations and to not reconvene in Open Session. Roll Call Vote: Hartman, aye; Palmer, aye; Gaechter, aye; Lucy, aye; Worthington, aye. 5-0, unanimous.

Alfred Gaechter, Chairman

Gary Palmer, Vice-Chairman

Christopher R. Lucy, Clerk

Curtis Hartman

Janet W. Worthington
Board of Selectmen
Town of Truro